

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:) Chapter 11 Case No. 20-10334-TPA
)
JOSEPH M. THOMAS, M.D.,) Related to Doc. No. 576 , 688
Debtor)

STIPULATION AND CONSENT ORDER

AND NOW, this 24th day of August, 2022, comes Quinn, Buseck, Leemhuis, Toohey, & Kroto, Inc. (“Quinn Law”), Marsh Schaaf, LLP (“Marsh Schaaf”), MacDonald Illig Jones & Britton, LLP (“MIJB”), and Knox McLaughlin Gornall & Sennett, P.C. (“Knox Law”) (together referred to as the “Estate Professionals”), and file this Stipulation and Consent Order (the “Stipulation”), as follows:

WHEREAS, pursuant to, *inter alia*, Section VI(a) of the 2nd Amended Chapter 11 Plan of Reorganization dated October 7, 2021 (Doc. No. 521 in Case No. 20-10334), filed by the Debtor, Joseph Martin Thomas, M.D. (“Dr. Thomas”), as confirmed by Order of Court dated January 7, 2022 (the “Thomas Confirmed Plan”), administrative professional fee claims shall be paid from the liquidation of personal assets;

WHEREAS, pursuant to, *inter alia*, Paragraph 5.3 of the Joint Amended Chapter 11 Plan of Reorganization dated October 7, 2021 (Doc. No. 769 in Case No. 20-10049), filed by the Debtor, Tri-State Pain Institute, LLC (“Tri-State”), as confirmed by Order of Court dated January 7, 2022 (the “Tri-State Confirmed Plan”) (together with the Thomas Confirmed Plan, the “Confirmed Plans”), Dr. Thomas contemplates paying Administrative Expense Claims for other Related Entities such as Tri-State;

WHEREAS, pursuant to Dr. Thomas's Motion Requesting Public Auction Sale Confirmation Order filed at Doc. No. 656, it appearing that there is \$28,040.00 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, pursuant to Dr. Thomas and Tri-State having made regular deposits into escrow for the payment of Administrative Expense Claims in accordance with the Confirmed Plans, it appearing that after payment of prior Court Orders there is \$23,733.36 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, pursuant to Employee Retention Tax Credits ("ERC") claimed and received by Tri-State, it appearing that there is \$250,841.65 escrowed with Quinn Law that is available for distribution to the Estate Professionals in these Cases;

WHEREAS, based upon the recommendation of Dr. Thomas's court-approved accountants, Schaffner, Knight, Minnaugh & Co., P.C., \$20,000.00 shall be set aside for anticipated future tax liabilities generated by the income of Tri-State;

WHEREAS, upon information and belief, both Dr. Thomas and Tri-State are current on all other payment obligations as set forth in their Confirmed Plans;

WHEREAS, upon consideration of the allowed and pending fee applications in these Cases, including but not limited to those fee application schedules filed in these Cases on or about November 23 & 24, 2022 (Doc. Nos. 545 & 546 in Case No. 20-10334 and Doc. Nos. 790 & 796 in Case No. 20-10049), as well as subsequent fee applications filed by the Estate Professionals, it appearing that there is more than \$845,000.00 of fees payable to the Estate Professionals in these Cases;

WHEREAS, upon consideration of the fees payable to the Estate professionals in these Cases, the current percentage of *total fees paid versus total fees requested* is as follows:

<i>PAYEE</i>	<i>TOTAL FEES PAID</i>	<i>TOTAL FEES REQUESTED</i>	<i>PERCENTAGE PAID</i>
Quinn Law	\$169,833.55	\$585,180.69	29%
MIJB	\$80,037.36	\$239,067.22	33%
Knox Law	\$161,385.12	\$342,250.43	47%
Marsh Schaaf	\$132,007.55	\$224,517.71	59%

THEREFORE, because the Estate Professionals still anticipate additional funds for distribution from Dr. Thomas's net operating loss carryback tax plan, and in an effort to equalize the above-referenced percentages in the interim, after which Quinn Law, MIJB, and Knox Law will be at *approximately* 59%, it is ORDERED that \$281,773.36 shall be immediately paid to the Estate Professionals on account, as follows:

<i>PAYEE</i>	<i>PERCENT OF AVAILABLE CASH</i>	<i>AMOUNT TO BE PAID</i>
Quinn Law	63%	\$178,417.03
MIJB	22%	\$61,451.48
Knox Law	15%	\$41,904.85

Dated:

August 24, 2022


Thomas P. Agresti, Judge
United States Bankruptcy Court

In re:
Joseph Martin Thomas
Debtor

Case No. 20-10334-TPA
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-1
Date Rcvd: Aug 24, 2022

User: auto
Form ID: pdf900

Page 1 of 3
Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 26, 2022:

Recip ID	Recipient Name and Address
db	+ Joseph Martin Thomas, c/of Tri-State Pain Institute, 5442 Peach Street, Erie, PA 16509-2602
sp	Knox McLaughlin Gornall & Sennett, P.C., 120 West Tenth Street, Erie, PA 16501-1461
sp	+ MacDonald, Illig, Jones, & Britton LLP, 100 State Street, Suite 700, Erie, PA 16507-1459

TOTAL: 3

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 26, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 24, 2022 at the address(es) listed below:

Name	Email Address
Andrew F Gornall	on behalf of Interested Party Barbara Noonan agornall@gornall-law.com
Ashley Mulryan	on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State Pain Institute LLC amulryan@kmgslaw.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmlawgroup.com
Crystal H. Thornton-Illar	on behalf of Creditor The Kada Gallery cThornton-Illar@leechtishman.com bankruptcy@leechtishman.com;mproden@leechtishman.com;thornton-illarcr81012@notify.bestcase.com
Gary V. Skiba	on behalf of Interested Party Tri-State Pain Institute LLC gskiba@marshlaw.com,

District/off: 0315-1

User: auto

Page 2 of 3

Date Rcvd: Aug 24, 2022

Form ID: pdf900

Total Noticed: 3

DGeniesse@marshlaw.com;rose227@hotmail.com

Guy C. Fustine

on behalf of Creditor Official Committee of Unsecured Creditors for Tri-State Pain Institute LLC mwernicki@kmgslaw.com, knoxbank@hotmail.com, burban@kmgslaw.com, amulryan@kmgslaw.com

Guy C. Fustine

mwernick@kmgslaw.com

Harry W. Greenfield

on behalf of Creditor WELLS FARGO BANK N.A. hgreenfield@bernsteinlaw.com, lyoun@bernsteinlaw.com

Jill Locnikar

on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov

Jill Locnikar

on behalf of Creditor United States of America Small Business Administration jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov

Jodi Hause

on behalf of U.S. Trustee Office of the United States Trustee jodi.hause@usdoj.gov
David.A.Berry@usdoj.GOV;Steven.W.Albright@usdoj.GOV

Larry Steven Schifano

on behalf of Defendant United States of America Internal Revenue Service l.steven.schifano@usdoj.gov, Eastern.TaxCivil@usdoj.gov;Thomas.P.Cole@usdoj.gov

Lauren Michaels

on behalf of Creditor Office of Attorney General Department of Revenue lmichaels@attorneygeneral.gov

Maria Miksich

on behalf of Creditor PNC BANK NATIONAL ASSOCIATION mmiksich@kmlawgroup.com

Maribeth Thomas

on behalf of Creditor Ally Bank mthomas@tuckerlaw.com maribeth.thomas@gmail.com,hgulliver@tuckerlaw.com

Mark G. Claypool

on behalf of Creditor Ally Bank serviced by Ally Servicing LLC mclaypool@kmgslaw.com
knoxbank@hotmail.com;chartle@kmgslaw.com;aklus@kmgslaw.com

Michael F.J. Romano

on behalf of Interested Party TIAA Commercial Finance Inc. mromano@rgalegal.com,
tyowell@rgalegal.com;jromano@rgalegal.com

Michael F.J. Romano

on behalf of Creditor TIAA Commercial Finance Inc. mromano@rgalegal.com, tyowell@rgalegal.com;jromano@rgalegal.com

Michael P. Kruszewski

on behalf of Plaintiff Joseph Martin Thomas mkruszewski@quinnfirm.com
slowe@quinnfirm.com;quinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbecko@quinnfirm.com;quinnbankruptcy2022@gmail.com

Michael P. Kruszewski

on behalf of Debtor Joseph Martin Thomas mkruszewski@quinnfirm.com
slowe@quinnfirm.com;quinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbecko@quinnfirm.com;quinnbankruptcy2022@gmail.com

Michael P. Kruszewski

on behalf of Interested Party 2374 Village Common Drive LLC mkruszewski@quinnfirm.com
slowe@quinnfirm.com;quinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbecko@quinnfirm.com;quinnbankruptcy2022@gmail.com

Michael P. Kruszewski

on behalf of Debtor 2374 Village Common Drive LLC mkruszewski@quinnfirm.com
slowe@quinnfirm.com;quinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbecko@quinnfirm.com;quinnbankruptcy2022@gmail.com

Norma Hildenbrand, on Behalf of the United States Trustee by

on behalf of U.S. Trustee Office of the United States Trustee Norma.L.Hildenbrand@usdoj.gov

Office of the United States Trustee

ustregion03.pi.ecf@usdoj.gov

Ronald B. Roteman

on behalf of Creditor Steven E. Ribbing rroteman@stonecipherlaw.com jdearment@stonecipherlaw.com

Ronald B. Roteman

on behalf of Creditor Kay B. Ribbing rroteman@stonecipherlaw.com jdearment@stonecipherlaw.com

Salene R.M. Kraemer

on behalf of Creditor WELLS FARGO BANK N.A. salene@mazurkraemer.com, salene@ecf.courtdrive.com

District/off: 0315-1

User: auto

Page 3 of 3

Date Rcvd: Aug 24, 2022

Form ID: pdf900

Total Noticed: 3

TOTAL: 27